

## IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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HEALTH REPUBLIC INSURANCE  
COMPANY,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

No. 16-259

Filed: October 10, 2024

**ORDER**

On June 1, 2023, Class Counsel filed a Stipulated Motion for Approval of Attorney's Fee Request for the Dispute Subclass (Colorado Health). *See* ECF No. 206. Class Counsel requests that the Court approve an award of five percent in attorney's fees from the Colorado Health Subclass judgment, or approximately \$5.53 million. *Id.* ¶ 5; *see* Rule 54(b) J., ECF No. 200 (awarding \$110,601,107.74 to the Colorado Health Subclass for risk corridors claims for benefit years 2014 and 2015). The Colorado Health Subclass does not object to Class Counsel's request. ECF No. 206 ¶ 5. In support of its request, Class Counsel refers the Court to the fee application and renewed fee application briefing submitted in connection with its fee request for the Non-Dispute Subclass, arguing that five percent is reasonable and justified under the circumstances here. *Id.* ¶ 6 (citing ECF Nos. 84, 93, 192).

On October 10, 2024, the Court granted the fee request related to the Non-Dispute Subclass, subject to a reduction of the fee to 2.5-percent of the common fund at issue. *See* Op. & Order, ECF No. 229. Since Class Counsel's stipulated motion does not provide any additional justification beyond the arguments raised in the related briefing (other than that the instant motion is unopposed), the Court is inclined to award the same 2.5-percent fee award for the Colorado

Health Subclass. This approach would also be consistent with Class Counsel's representations in prior fee requests related to other dispute subclasses. *See* Class Counsel's Mot. For Approval of Att'y's Fee Req. for the Freelancers Subclass at 7, ECF No. 130 ("[A]s part of the evenhanded approach Quinn Emanuel has taken toward all class members in these actions, it seeks from Freelancers only what the Court awards for the Non-Dispute Subclasses as well. Accordingly, if the Court awards Quinn Emanuel an amount different than the requested 5% of the Non-Dispute Subclass judgments, then Quinn Emanuel requests that the same percentage be applied to the Freelancer Subclass judgments."); Class Counsel's Mot. For Approval of Att'y's Fee Req. for the Arches Subclass at 7, ECF No. 134 (same). However, if Class Counsel intends to maintain its request for a five-percent fee, the Court will give it an opportunity to provide any additional justification for a higher award in light of the Court's recent opinion.

Accordingly, the Court **ORDERS** Class Counsel to file **by no later than November 1, 2024**, an amended motion for approval of attorney's fees related to the Colorado Health Subclass.

**SO ORDERED.**

Dated: October 10, 2024

/s/ Kathryn C. Davis  
KATHRYN C. DAVIS  
Judge